UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

2005 Ji 27 PM 3: 49

AEP TEXAS NORTH COMPANY, Plaintiff,

V.

THE PUBLIC UTILITY COMMISSION OF TEXAS,

PAUL HUDSON, Chairman of the Public Utility Commission of Texas,

JULIE PARSLEY, Commissioner of the Public Utility Commission of Texas, and

BARRY SMITHERMAN, Commissioner of the Public Utility Commission of Texas,

Defendants.

Case No.: A04CA1069LY

MOTION FOR LEAVE TO INTERVENE OF TEXAS INDUSTRIAL ENERGY CONSUMERS

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Texas Industrial Energy Consumers ("TIEC") files this Motion for Leave to Intervene in the above-captioned case, respectfully showing the Court as follows:

1. Petitioner is an unincorporated association of large industrial companies that own and operate industrial facilities in the transmission and distribution service territory of AEP Texas North ("TNC"), formerly known as West Texas Utilities Company, and throughout Texas. In the *Application of West Texas Utilities Company for Authority to Reconcile Fuel Costs*, Docket No. 26000 (2004), before the Public Utility Commission of Texas ("Commission"), from



which proceeding TNC has brought this appeal, TIEC sought and was granted status as an intervening party.

- 2. TIEC participated in the above docket because of the potential impact on the rates of certain TIEC members.
- 3. TIEC has an interest in the matter in controversy in that the Plaintiff in the above-captioned cause seeks judicial review of the Commission's order issued in Docket No. 26000 which could directly affect TIEC member companies.

Wherefore, TIEC requests that the parties take notice of this filing of the Motion for Leave to Intervene, that TIEC be permitted to participate as a party in this proceeding, and that TIEC be granted such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR TEXAS INDUSTRIAL ENERGY CONSUMERS

CERTIFICATE OF SERVICE

I, Karen Whitt, hereby certify that a true copy of the foregoing Plea in Intervention of Texas Industrial Energy Consumers has been sent by U.S. mail to all parties of record in Public Utility Commission Docket No. 26000 on this 27th day of January, 2005.

Karen Whitt

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